

FORTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, March 5, 1891. }

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—25.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Potter,
Clark,	Harrison,	Seale,
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
		Whatley.

ABSENT—2.

Carter,

Pope.

Prayer by the chaplain, Dr. Smoot.
Pending the reading of the Journal, on motion of Senator Cranford, the further reading of the same was dispensed with.

Senator Townsend rose to question of personal privilege, and explained the cause of his absence during the call of the Senate yesterday afternoon.

On motion of Senator Kearby Senator Townsend was excused.

On motion of Senator Glasscock Senator Weisiger was excused for yesterday afternoon on account of important business.

PETITIONS AND MEMORIALS.

By Senator Stephens.

Memorials from the sheriff, officers and citizens of Abilene, Texas, praying for the increase of the Ranger force in Texas.

Read first time and referred to committee on Frontier Protection.

By Senator Stephens.

Memorial from Dr. T. L. Appleby with bill, for treatment of smallpox at Vernon, Texas, and requesting the state to pay the same.

Read and referred to committee on Public Health.

By Senator Townsend.

Petition of citizens of Colorado county, praying for a change in the game law.

Read first time and referred to committee on State Affairs.

BILLS AND RESOLUTIONS.

By Senator Kimbrough:

Resolution of the Dallas Board of Trade.

Read and referred to committee on State Affairs.

By the chair:

Protest of the citizens of Mason county against the creation of the County of Mineral.

Read and referred to committee on Counties and County Boundaries.

By Senator Stephens:

A bill to be entitled "An act to amend section 1 of an act to authorize counties to fund their indebtedness and to provide means to pay the same, approved May 4, 1889."

Read first time and referred to Judiciary committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to validate record books of deeds, contracts and other instruments in writing relative to land titles, kept in organized counties, of lands in unorganized attached counties, to organize counties for registration purposes."

Read first time and referred to Judiciary committee No. 1.

By Senator Mott:

A bill to be entitled "An act to provide for the organization of public warehouses and to regulate the warehousing of cotton, grain and all other kinds of products, and all kinds of goods and mercantile commodities, and to define the ownership thereof."

Read first time and referred to committee on Commerce and Manufactures.

Senator Tyler asked and obtained consent to postpone pending business, and to take up out of its regular order

Senate bill No. 490, entitled "An act to validate the sale of section 82, block H, state school lands, situated in Hardeman county, located by virtue of certificate No. 1-41, issued to the Waco and Northwestern Railroad company, made by the state land board to P. E. Holmes on May 28, 1885, under an act of April 12, 1883, and to authorize patent to issue therefor in favor of L. H. Davis as assignee upon payment of balance due the state on said sale."

Adopted.

Bill read second time and passed to

third reading.

Senator Tyler moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage which was adopted by the following vote:

YEAS—25.

Atlee,	Glasscock,	Potter.
Burney,	Harrison,	Seale.
Clark,	Kearby,	Simkins.
Clemens.	Kimbrough,	Stephens.
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler.
Finch,	McKinney,	Weisiger.
Frank,	Mott,	Whatley.
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—26.

Atlee,	Glasscock,	Potter,
Burney,	Harrison,	Seale.
Clark,	Kearby,	Simkins,
Clemens.	Kimbrough,	Stephens.
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.
Garwood,	Pope,	

NAYS—None.

Senator Potter moved to postpone pending business.

Lost.

ORDER OF THE DAY.

Senate bill 161, entitled "An act to amend section 47 of chapter 25, special session of the Eighteenth Legislature, being 'An act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the revised civil statutes of Texas as refer to the public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools.'"

Read second time with the following committee amendments.

Amend section 1, line 4, page 2 by striking out "general revenue" and inserting "available school fund."

And strike out the first three lines on last page.

On the question to adopt the committee amendments they were adopted.

Senator Glasscock offered the following amendment:

Amend by inserting in the bill after words "school district" wherever it occurs, the words and school communities."

Adopted.

Senator Glasscock offered the follow-

ing amendment:

Amend by adding to the bill the following:

Whereas the present bill intends to prevent county treasurers from collecting double the fees allowed them by law on the school fund, and the further fact that the present session of the legislature is rapidly drawing to a close, creates an emergency and imperative public necessity requiring the constitutional rule for bills to be read on three several days to be suspended, and said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Adopted.

Senator Cranford offered the following amendment:

Amend by striking out all in line 19 on page 3, down to and including all of line 23, and inserting the following:

"All balances of the general fund not appropriated for the current year, shall be carried over by the treasurer as part of the general fund for the county for the succeeding year, and balances unexpended or unappropriated for a school community or district shall be carried over for the benefit of such school community or district, if the community be reorganized for the following year, and if it be not reorganized, shall be added to the general fund for distribution, for the general benefit of the county at large.

Adopted.

The bill was ordered engrossed.

Senator Glasscock moved that the constitutional rule requiring a bill to be read on three several days be suspended and the bill pass to its third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler.
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.

NAYS—None.

Bill was read third time and passed by the following vote:

YEAS—26.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Seale.
Clark,	Kearby,	Stephens,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler.
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.
Frank,	Mott,	

NAYS—None.

Senator Stephens asked and obtained consent to postpone pending business and take up out of its regular order Substitute House bill No. 15, entitled "An act to validate the location of county seats in certain counties where the same were organized, and their county seats located under a misapprehension of the meaning of the law in regard to the election of county seats in newly organized counties."

Adopted.

Bill read second time with the following committee amendments:

Amend page 2, beginning in section 1, line 9, by striking out all after the word "election" down to and including the word "laws" in line 12, the language stricken out being as follows: "Duly held under existing laws, which removal can be made without regard to the limitation of five years contained in general laws."

Committee amendments adopted and bill passed to a third reading.

Senator Stephens moved that the constitutional rule requiring a bill to be read on three several days be suspended and the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—26.

Atlee,	Glasscock,	Potter,
Burney,	Harrison,	Seale,
Carter,	Kearby,	Simkins,
Clark,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.
Garwood,	Pope,	

NAYS—1.

Clemens.

The bill was read a third time and passed by the following vote:

YEAS—24.

Atlee,	Glasscock,	Potter,
Burney,	Harrison,	Seale,
Carter,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	Mott,	Weisiger,
Garwood,	Pope,	Whatley.

NAYS—3.

Clark,	Clemens,	McKinney.
--------	----------	-----------

REGULAR ORDER.

Senate bill No. 100, entitled "An act to amend an act entitled 'An act to amend article 566, chapter 2, title 20 of the revised civil statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888, and to add article 566a, relating to foreign corporations.'"

On second reading
The substitute offered by Senator Kimbrough was adopted by the following vote:

YEAS—18.

Atlee,	Harrison,	Seale,
Burney,	Kimbrough,	Simkins,
Carter,	Lubbock,	Stephens,
Clemens,	Maetze,	Townsend,
Glasscock,	Mott,	Tyler,
Garwood,	Pope,	Weisiger.

NAYS—8.

Clark,	Finch,	Potter,
Crane,	Kearby,	Whatley.
Cranford,	McKinney,	

Senator Kimbrough offered the following amendment:

Amend subdivision 17 by striking out the letter "a" in first line and add the letter "s" to the word "building," and strike out the word "accommodation" and insert the word "accumulation."

Adopted.

Senator Tyler offered the following amendment:

Amend substitute bill by adding the following:

35. To support and maintain bicycle clubs and other innocent sports.

Adopted.

Senator Kimbrough offered the following amendment:

Strike out sub-division 24 and insert the following:

24. The purchase and sale of goods, wares and merchandise and agricultural and farm products. The number of persons incorporating for such purposes, shall in no instance be less than ten, nor shall any person hold or own more than \$500 of such stock be liable for all the debts of such corporation.

Adopted.

Senator Kimbrough offered the following amendment:

Amend by adding sub-division 25 as follows:

"25. For the purpose of buying and selling goods, wares and merchandise of any description by wholesale in unbroken packages or wholesale lots," and number the sub-division to conform to this amendment.

Adopted.

Senator Harrison offered the following amendment:

Amend sub-division 3 by adding after the word "or" the following:

"Parks and buildings for lawn tennis."

Lost.

Senator Kearby offered the following amendment:

Amend by adding the following:

"For the capture of wolves, Mexican

lions, and prairie dogs and wharf rats."

Senator Kimbrough moved to lay the amendment on the table.

Adopted.

Senator Kearby offered the following amendment:

Amend by adding section 35:

That all such corporations as are herein authorized or shall hereafter be authorized by the laws of this State shall, on the first day of January of each year publish a statement in some newspaper of general circulation in the county where published, and where such business is conducted and carried on, showing the assets and liabilities of such corporation, and shall file a certified copy of such statement at the same time in the office of Secretary of State, and if such statement is not a true and correct statement of the assets and liabilities of such corporations, any stockholder or director or other officer of such corporation shall be personally liable for the debts thereof, and any director or other officer of such corporation who shall vote to declare a dividend on the stock thereof when said corporation is insolvent shall be personally liable for the full amount of the debts thereof.

Senator Cranford moved the previous question on the bill and amendment, which was ordered.

The amendment of Senator Kearby was lost by the following vote:

YEAS—9.

Carter,	Frank,	Mott,
Cranford,	Harrison,	Weisiger,
Finch,	Kearby,	Whatley.

NAYS—18.

Atlee,	Glasscock,	Potter,
Burney,	Kimbrough,	Seale,
Clark,	Lubbock,	Simkins,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Garwood,	Pope,	Tyler.

Senator Clark moved to reconsider.

Senator Kimbrough moved to lay the motion to reconsider on the table, which was adopted by the following vote:

YEAS—17.

Atlee,	Kimbrough,	Seale,
Burney,	Lubbock,	Simkins,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Garwood,	Mott,	Tyler.
Glasscock,	Pope,	

NAYS—10.

Carter,	Frank,	Potter,
Clark,	Harrison,	Weisiger,
Cranford,	Kearby,	Whatley.
Finch,		

On the engrossment of the bill the yeas and nays were called for and the following vote was taken:

YEAS—17.

Atlee,	Kimbrough,	Simkins,
Burney,	Lubbock,	Stephens,
Clemens,	Maetze,	Townsend,
Crane,	Mott,	Tyler,
Garwood,	Pope,	Weisiger.
Glasscock,	Potter,	

NAYS—10.

Carter,	Frank,	McKinney,
Clark,	Harrison,	Seale,
Cranford,	Kearby,	Whatley.
Finch,		

And the bill was ordered engrossed.

Senator Kimbrough moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Glasscock,	Seale,
Burney,	Harrison,	Simkins,
Carter,	Kimbrough,	Stephens,
Clemens,	Lubbock,	Townsend,
Crane,	Maetze,	Tyler,
Cranford,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.
Garwood,	Pope,	

NAYS—4.

Clark,	Finch,	Kearby.
Potter,		

Bill read third time and passed by the following vote:

YEAS—19.

Atlee,	Harrison,	Potter,
Burney,	Kimbrough,	Simkins,
Carter,	Lubbock,	Seale,
Clemens,	Maetze,	Stephens,
Crane,	Mott,	Townsend,
Garwood,	Pope,	Tyler,
Glasscock,		Weisiger.

NAYS—8.

Clark,	Frank,	Seale,
Cranford,	Kearby,	Whatley.
Finch,	McKinney,	

Senator Townsend moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table was adopted.

Senator Carter moved to postpone pending business and take up out of its regular order Senate bill No. 295, entitled "An act to authorize the sale and conveyance of the Missouri, Kansas and Texas Railway Company's lines of railroad and properties within this State, and certain lines of railroad heretofore operated by or as the property of the Missouri, Kansas and Texas railway company, or as a part of the system of roads within the State known as the Missouri, Kansas and Texas railway, and to provide for and authorize the sale, transfer and conveyance of said lines of railroad to and the purchase and operation thereof by a single corporation, company or association of persons, to be incorporated under the laws of this state, and to settle and dispose of certain pending suits, brought by the state of Texas against said Missouri, Kansas and

Texas Railway Company, wherein the powers, privileges and franchises granted it within the state are sought to be forfeited."

Adopted.

Bill read second time with the following committee amendments.

First. Insert the word "judgment" after the word "liens" in line 2, section 3.

Second. Strike out the word "may," in line 16, section 3, and insert "shall."

Strike out "shall be deemed full paid stock and," in lines 23 and 24, section 3.

Fourth. Add to the end of section 3 the following:

Provided that the stock authorized to be issued above shall not exceed \$10,000 on each mile of completed railway acquired under the provisions of this act."

The Committee amendments were adopted.

Senator Lubbock asked and obtained unanimous consent to introduce the following bill, entitled "An act to amend the charter of the city of Houston.

Read first time and referred to committee on Towns and City Corporations.

On motion of Senator Frank the vote adopting committee amendment to pending bill was reconsidered.

Senator Frank offered the following amendment to second amendment:

In line 20 of section 3 strike out the word "may" and insert "shall."

Senator Stephens offered the following amendment:

Amend third committee amendment, line 24, page 4, section 3, by striking out the word "and" before the word "may."

Adopted.

Committee amendment as amended adopted.

Senator Crane offered the following amendment:

Amend section 3 by inserting the words "just and" between the word "all" and "legal" in line 2, page 4.

Adopted.

Senator Cranford offered the following amendment:

Amend section 3 by inserting after the word "incumbrances" in line 2 on page 4, the following: "Suits or actions for damages."

Adopted.

Senator Kearby offered the following amendment:

Amend section 6 on page 7, by adding the following:

S J—20

Provided that at, or before said suits are dismissed the Missouri, Kansas and Texas Railway company or the purchasers therefrom as herein provided shall pay all costs incurred in said suits instituted by the state and shall refund to the state any costs that may have been expended by the state in the prosecutions of said suits up to and including the date of said sale and payment of the costs by said company or purchaser.

Adopted.

Senator Stephens offered the following amendment:

Amend by inserting after the word "county," in line 12, section 5, page 5, the words "through the counties of Hunt, Collin, Rockwall and Dallas."

Adopted.

The bill was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to its third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—27.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.

NAYS—None.

Senator Stephens moved to postpone pending business and take up out of its regular order Senate bill No. 300, entitled "An act to provide for the incorporation of railway companies for the purpose of acquiring, owning, maintaining and operating any line or line or lines of railway within this state authorized by law to be sold, and to empower such companies when so organized to purchase and extend.

Adopted.

Bill read second time with a favorable committee report, and ordered engrossed.

Senator Carter moved to suspend the constitutional rule requiring a bill

to be read on three several days, and that the bill be put on its third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee,	Garwood,	Pope,
Burney,	Glasscock,	Potter,
Carter,	Harrison,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Martze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—26.

Atlee,	Garwood,	Potter,
Burney,	Glasscock,	Seale,
Carter,	Harrison,	Simkins,
Clark,	Kimbrough,	Stephens,
Clemens,	Lubbock,	Townsend,
Crane,	Martze,	Tyler,
Cranford,	McKinney,	Weisiger,
Finch,	Mott,	Whatley.
Frank,	Pope,	

NAYS—1.

Kearby,

Senator Crane offered the following resolution:

Resolved, That the president of the Senate be and is hereby authorized and requested to appoint Masters Edward Atlee and Thomas Atlee honorary pages of the senate, they to serve without compensation.

Adopted.

Senator Kimbrough moved that the senate committee clerks, when not employed on other business, be required to assist the engrossing clerk.

Adopted.

REGULAR ORDER.

Senate bill No. 97, entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers; to prohibit passengers from riding or attempting to ride in coaches other than those set apart for his color; to confer upon conductors powers to enforce the provisions of this act; to regulate passenger travel and to provide penalties and punishments for the violation thereof."

With house amendments on consideration.

Senator Whatley moved that the senate do not concur in the house amendments.

Adopted.

Senator Whatley moved that the senate ask a conference committee on the difference between the two houses.

Adopted.

And the chair appointed Senators Whatley, Clarke, Seale, Kearby and Townsend as such committee.

Senate Pope moved to suspend pending business and take up out of its regular order Senate bill No. 149, entitled "An act authorizing and requiring the attorney-general to institute suit to recover school lands where the purchasers thereof have failed or refused to comply with the laws relating to the payment of the principal or interest thereof, fixing the venue thereof and prescribing the manner of stating the case of the state, the manner of answer, the relief to be granted or the judgment to be rendered in such cases.

Adopted.

Bill read second time with the following committee amendments:

Amend section 1 by adding in line 7 after the word "sold" the following: "Or where such purchasers have failed to settle upon, occupy and improve said lands as provided by law, or where from any other cause such purchasers have forfeited said lands to the state by failing to comply with the law regulating the sale thereof."

Amend section 4 by adding in line 3 after the word "shall" the following: "For good cause shown according to the principles of law governing actions of trespass to try title."

Amend section 5 by adding the following:

Provided, further, The foregoing proviso shall not apply to purchasers who have failed to comply with the law governing their purchases in other respects than non-payment of principal or interest."

Senator Stephens moved that action on the bill be postponed and the committee amendment be printed in the Journal.

Lost.

Senator Carter moved to postpone action on the bill and make it special order for Monday morning after morning call and from day to day until disposed of.

Adopted.

Senator Kearby offered the following resolution:

Resolved, That no bill shall be taken up out of the regular order of business except by unanimous consent, provided this shall not affect any bill which has been made a special order for a time definite.

Ordered to lie over one day under the rules.

Senator Potter moved to suspend pending business and take up out of its regular order substitute Senate bills Nos. 8 and 13.

Lost.

REGULAR ORDER.

Substitute House bills Nos. 24 and 167, entitled "An act to prohibit prize fighting and pugilism."

Taken up and read third time.

Senator Burney offered the following amendment:

Amend section 3, line 7, by inserting the word "such" after the word "any."

Adopted.

Senator Harrison offered the following amendment:

Amend by striking out, in line 4, section 1, the words, "or other thing of value."

Lost.

Senator Pope offered the following amendment:

Amend by inserting the word voluntarily before the word fight.

Adopted.

Senator Burney offered the following amendment:

Amend by striking out the words "and that this act take effect and be in force from and after its passage," in section 4.

On motion of Senator Townsend Assistant Sergeant-at-Arms Henderson was excused till Monday on account of important business.

On motion of Senator Kearby Senator Carter was excused for last Tuesday on account of important business.

The amendment of Senator Burney to the pending bill was adopted.

Senator Glasscock offered the following amendment:

Amend by inserting the word "voluntarily" after the word "who," in line 2, section 1, of the bill.

Adopted.

The bill was passed.

On motion of Senator Simkins the Senate adjourned to 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair

Roll called; no quorum present, the following Senators answering to their names:

PRESENT—20.

Atlee,	Frank,	McKinney,
Burney,	Garwood,	Seale,
Clark,	Glasscock,	Stephens,
Clemens,	Kearby,	Tyler,
Crane,	Kimrough,	Weisiger,
Cranford,	Lubbock,	Whatley,
Finch,	Maetze,	

ABSENT—7.

Carter,	Pope,	Simkins,
Harrison,	Potter,	Townsend,
Mott,		

Senator Cranford moved a call of the senate, which was ordered. The following Senators answered to their names:

PRESENT—20.

Atlee,	Frank,	McKinney,
Burney,	Garwood,	Seale,
Clark,	Glasscock,	Stephens,
Clemens,	Kearby,	Tyler,
Crane,	Kimrough,	Weisiger,
Cranford,	Lubbock,	Whatley,
Finch,	Maetze,	

ABSENT—6.

Carter,	Pope,	Simkins,
Harrison,	Potter,	Townsend,

Senator Kearby moved that Senator Mott be excused on account of ill health.

Adopted.

Senator Carter entered the chamber and made his excuse for absence, and on motion of Senator Garwood was excused.

Senator Townsend entered the chamber and made his excuse for absence, and on motion of Senator Glasscock was excused.

Senator Harrison entered the chamber and made his excuse for absence, and on motion of Senator Glasscock was excused.

Senator Potter entered the chamber and made his excuse for absence, and on motion of Senator Finch was excused.

On motion of Senator Frank Senator Harrison was excused till Tuesday on account of legislative duties.

By consent Senator Glasscock sent up the following report:

COMMITTEE ROOM,
Austin, March 5, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 329, being "An act to establish an agricultural and mechanical college in Texas, north of 31 1-2 degrees north latitude, and making an appropriation therefor. Said college to be located on what is known as black waxey soil,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

Senator Simkins entered the chamber and made his excuse and on motion of Senator Tyler was excused.

ORDER OF THE DAY.

House bill No. 52 entitled, "An act to amend section 9 of an act entitled an act to require butchers and slaughterers of cattle to give a bond and to

prescribe penalties for the violation of the condition of the same, and to prevent unlawful slaughtering and selling cattle."

Passed at the regular session of the Twenty first Legislature and approved April 6, 1889, taken up and read third time with the Senate amendments.

Senator Kearby offered the following amendment:

Amend by adding to section 9 the following: "Anderson, Cherokee, Henderson and Van Zandt counties.

Adopted.

The bill was passed by the following vote:

YEAS—22.

Atlee,	Glascock,	Simkins,
Burney,	Kearby,	Stephens,
Clark,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.
Frank,	Potter,	
Garwood,	Seale,	

NAYS—1.

Carter.

House bill No. 57, entitled "An act to amend article 541, chapter 11, title XVII of the revised civil statutes of the state of Texas."

Taken up and read third time.

Senator Garwood moved to postpone action on this bill until Monday next.

Adopted.

House bill No. 121, entitled "An act to be entitled an act to amend article 222, title 10 of the revised civil statutes by adding thereto article 222a, relating to the granting of license to the graduates of the law department of the university of Texas."

Taken up and read third time.

Senator Tyler offered the following amendment:

The near approach of the close of the present session of the Legislature requires a suspension of the constitutional rule requiring bills to be read in each House on three several days, and such rule is therefore suspended, and that this act take effect and go into force from and after its passage, and it is therefore so enacted.

Adopted.

The bill was passed by the following vote:

YEAS—24.

Atlee,	Garwood,	Potter,
Carter,	Glascock,	Seale,
Clark,	Kearby,	Simkins,
Clmens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,

Finch,
Frank,

McKinney, Weisiger,
Mott, Whatley.

NAYS—1.

Burney.

House bill No. 140, entitled "An act to provide for the sale of all lands in Greer county heretofore set apart for the benefit of the public free schools, and for the payment of the public state debt, and to protect the actual settlers on such lands in the prior right to purchase the same, and for the lease of said lands, and to prevent the free use and occupancy, unlawful enclosure or unlawful appropriation of such lands, and to provide adequate penalties therefor."

Taken up and read second time, with the following committee amendment:

Amend section 7 by adding after the word "improvements" at the end of the section, the following: Provided said actual settlers shall not be required to pay more than \$2 per acre for tracts classified as dry lands, nor more than \$3 per acre for tracts classified as watered lands.

Senator Carter sent up the following reports:

COMMITTEE ROOM,
Austin, March 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 288, being "An act to amend an act entitled an act to incorporate the city of Waco and to define its boundaries and powers, approved February 19th, 1859,"

And find the same correctly engrossed.

CARTER, Chairman.
COMMITTEE ROOM,
Austin, March 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 100, being "an act to amend entitled an act to amend article 566, chapter 2, title 20, of the revised civil statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888, and find the same correctly engrossed.

CARTER, Chairman.
COMMITTEE ROOM,
Austin, March 5, 1891.

Hon. Geo. C. Pendleton, President of

the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared Senate bill No. 194, being "An act to amend sections 1, 2, 3, 4, 5, 6, 51, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84 of an act entitled 'An act to provide for the organization of the state penitentiaries and for the more efficient management of the same, approved March 17, 1881, also to repeal an act entitled an act to provide for the more efficient management of the Texas state penitentiaries and to make an appropriation therefor, approved April 18, 1883, also to repeal an act entitled an act to amend sections 1, 2 and 4 of an act to provide for the more efficient management of the Texas state penitentiaries, and to make an appropriation therefor, approved April 18, 1883; approved March 31, 1885," and find the same correctly engrossed.

CARTER, Chairman.

The committee amendment to the pending bill was adopted.

Senator Townsend offered the following amendment:

Strike out "four" in section 13 and insert "five," page 9.

Senator Potter offered the following substitute:

Amend section 13, line 6, by striking out "four cents per acre" and insert the following after the word "rental," "of not less than four cents per acre, and shall be so leased by the land commissioners on competitive bids therefor if more than one person desires to so lease said land, and in such event the land shall be leased to the highest bidder therefor."

Which was accepted by Senator Townsend and lost by the following vote:

YEAS—6.

Cranford,	Garwood,	Potter,
Finch,	Maetze,	Townsend.

NAYS—18.

Atlee,	Glasscock,	Seale,
Burney,	Kearby,	Simkins,
Carter,	Kimbrough,	Stephens,
Clark,	Lubbock,	Tyler,
Clemens,	McKinney,	Weisiger,
Crane,	Mott,	Whatley.

Senator Townsend offered the following amendment:

Amend line 7, page 6, by striking out "fill" and insert "file."

Adopted.

Senator Frank offered the following amendment.

Amend page 7, section 10, line 4, by striking out the word "twenty" and

insert the word "ten."

Adopted.

Senator Frank offered the following amendment:

Amend page 9, section 13, by striking out all after the word "county" in line 17, down to and including the word "but" in line 19.

Adopted.

Senator Frank offered the following amendment.

Amend page 9, section 13 by inserting between the words "be" and "executed" the following: "acknowledged and duly."

The bill passed to third reading.

House bill No. 430, entitled "An act to amend article 4238 of the revised statutes of the State of Texas as amended by the act approved April 8, 1889."

Taken up, read second time with a favorable committee report and passed to a third reading.

(Senator Crane in the chair.)

Senator Garwood moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Garwood,	Potter,
Burney,	Glasscock,	Seale,
Carter,	Kearby,	Simkins,
Clark,	Kimbrough,	Stephens,
Clemens,	Lubbock,	Townsend.
Crane,	Maetze,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley,

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—24.

Atlee,	Frank,	Mott,
Burney,	Garwood,	Potter,
Carter,	Glasscock,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Weisiger,
Finch,	McKinney,	Whatley.

NAYS—1.

Tyler.

Senator Potter moved to call up the motion of Senator Cranford to reconsider the vote by which the Senate refused to pass House bill No. 20, entitled an act to amend title 17, chapter 6 of the revised civil statutes of the state of Texas by adding thereto articles 445a and 445b.

Adopted.

The bill was passed.

Senator Garwood moved that the

vote by which House bill No. 20 was passed be reconsidered and asked that the motion be spread upon the journal.

Senator McKinney moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—12.

Atlee,	Garwood,	Seale,
Burney.	Glasscock,	Townsend,
Carter,	McKinney,	Weisiger.
Clark,	Mott,	Whatley.
Clemens,		

NAYS—12.

Crane,	Kearby,	Potter,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Tyler.

Senator Frank moved to postpone pending business and take up out of its regular order.

Senate bill No. 194, entitled "An act to amend sections 1, 2, 3, 4, 5, 6, 51, 61, 62, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 67, 78, 79, 80, 82, 83, 84, of an act entitled 'An act to provide for the organization of the state penitentiaries, and for the more efficient management of the same,' approved March 17, 1881; also to repeal an act entitled 'An act to provide for the more efficient management of the Texas state penitentiaries, and to make an appropriation therefor,' approved April 18, 1883; also to repeal an act entitled 'An act to amend sections 1, 2 and 4, of an act entitled an act to provide for the more efficient management of the Texas state penitentiaries and to make appropriation therefor,' approved April 18, 1883, approved March 31, 1885.

Adopted and the bill passed.

By consent Senator Mott introduced the following bill.

A bill to be entitled "An act to create a bureau of labor and labor statistics for the State of Texas; to properly designate said department and its head and to prescribe the duties belonging and appertaining thereto."

Read first time and referred to committee on Labor and Statistics.

By consent Senator Kearby introduced the following bill:

A bill to be entitled "An act to provide for the printing and publishing certain volumes of the decisions of the supreme court for the State of Texas and to make an appropriation for the payment thereof."

Read first time and referred to committee on State Affairs.

On motion of Senator Glasscock the Senate adjourned to 10 a. m. tomorrow.

FORTY-FIFTH DAY.

SENATE CHAMBER,
Austin, March 6, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—23.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Potter,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Whatley.
Frank,	McKinney,	

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Stephens, the further reading of the same was suspended.

The chair gave notice of signing and signed in presence of the Senate,

House bill No. 490, being "An act to validate the sale of section 82, block H, located for the common school fund, by virtue of certificate No. 1-41, issued to the Waco and Northwestern Railroad company, situated in Hardeman county, made by the state land board to P. E. Holmes upon his application for the purchase thereof, filed on the 28th day of May, 1885, under the act of April 12, 1883, providing for the sale and lease of the common school, university and asylum lands, etc., and to authorize and require the commissioner of the general land office to issue patent therefor in favor of the heirs of L. H. Davis, deceased, whenever they shall pay to the state the amount of money due the common school fund for said section of land, according to the terms of said sale." Also,

House bill No. 386, entitled "An act to define who are fellow servants, and who are not fellow servants." Also,

House bill No. 230, entitled "An act to be entitled an act to amend article 767 of the Revised Statutes of the State of Texas. Also,

Senate bill No. 245, entitled "An act to incorporate the City of Denison, in Grayson County, Texas, to fix the boundaries thereof, and to provide for